

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

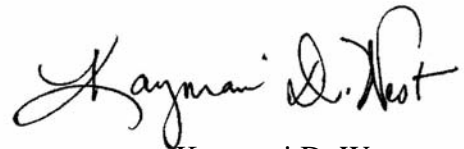
Corey Demond Linder,)	C/A No. 5:12-2006-CMC-KDW
)	
Petitioner,)	
)	
vs.)	
)	REPORT AND RECOMMENDATION
Warden McCall,)	
)	
Respondent.)	
)	
)	

Petitioner, proceeding pro se and in forma pauperis, brought this habeas corpus action pursuant to 28 U.S.C. § 2254. Respondent filed a Return and Motion for Summary Judgment on September 21, 2012. ECF Nos. 17, 18. As Petitioner is proceeding pro se, the court entered an order on September 24, 2012, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. ECF No. 19. Petitioner was informed that his response was due by October 29, 2012, and was specifically advised that if he failed to respond adequately, Respondent's Motion may be granted, thereby ending this case.

On October 30, 2012, the court ordered Petitioner to advise whether he wished to continue with the case by November 16, 2012. ECF No. 23. Petitioner has filed no response. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

November 20, 2012
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following in a similar style.

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**